

SUPPORTING STATEMENT

Product Testing by Applicant or Third Party, 30 C.F.R. Subparts A through D, and Subparts J and K

Subpart A - General (Sections 7.3, 7.4, 7.6, & 7.7)

Subpart B - Brattice Cloth and Ventilation Tubing (Sections 7.23, 7.27, 7.28, & 7.30)

Subpart C - Battery Assemblies (Sections 7.43, 7.46, 7.47, 7.48, 7.50, & 7.51)

Subpart D - Multiple Shot Blasting Units (Sections 7.63, 7.69, 7.70)

Subpart J - Electric Motor Assemblies (Sections 7.303, 7.306, 7.310, 7.311)

Subpart K - Electric Cables, Signaling Cables, and Cable Splice Kits (Sections 7.403, 7.407, 7.408, 7.410)

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Section 318 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. § 878, defines "permissible" equipment as that which has been approved according to specifications which are prescribed by the Secretary of Labor (Secretary). This approval indicates that the Mine Safety and Health Administration's (MSHA's) specifications and tests, designed to ensure that a product will not present a fire, explosion, or other specific safety hazard related to its use, have been met.

Additionally, 30 C.F.R. Part 7 provides procedures whereby "permissible" products are certified by the applicant and may be tested by the applicant or a third party. Each product that is subsequently approved by MSHA bears an approval marking. Applicants are required to maintain records of test results and procedures used in testing for three years after completion of testing. Applicants must also maintain records of the distribution of each product bearing an approval marking. MSHA retains the authority to conduct post-approval audits of approved products for the purpose of determining conformity with the technical requirements upon which the approval was based.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

MSHA administers an internationally recognized testing and approval program for mining equipment, to minimize the likelihood that a fire or explosion will be initiated by mining equipment or equipment components.

Manufacturers who desire to make the products specified in 30 C.F.R. Part 7 as approved for use in underground mines must submit an application to MSHA. Applications consist mainly of

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drawings and specifications describing the product or proposed changes to the product, and certification statements that the technical requirements have been met and that the quality assurance functions will be performed. This information is evaluated by MSHA technical expert's to determine whether an approval should be granted. The examinations associated with the requirements of this regulation must be performed on a regular basis. Less frequent examinations would not ensure that conditions requiring immediate attention would be promptly detected, such as inadequate air quantities ventilating diesel-powered equipment or equipment defects that create a hazard. Records of equipment examinations are required under the rule only when defects are found.

Once a product is approved by MSHA, it is labeled with an MSHA approval marking which indicates to the user that the product meets the specified technical requirements. Any product that is not in compliance with these requirements may be recalled or retrofitted. The application and records, required in part 7, are necessary so that MSHA can effectively evaluate the approved products.

Part 7 requires periodic post-approval product audits. The information collected during the approval process is necessary to determine if the products the approval-holder is distributing continue to be in compliance with the approval.

The approval and certification standards under 30 C.F.R. Part 7 require approval holders to maintain records on the distribution of each unit, and to report any knowledge of distribution of units not meeting required specifications. In this way, units can be traced and MSHA can work with the approval holder to implement appropriate corrective action ranging from retrofitting to recall in appropriate circumstances. These records must be kept for at least the expected shelf life and service life of the product; records relating to product testing must be kept by the applicant for three years. In addition, MSHA may require applicants to make available once a year, or more frequently with cause, an approved product for an audit to be conducted by MSHA at a mutually agreeable time and place.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The A&CC has developed the capability to accept approval applications and to receive other correspondence or information via a Remote Access Server (RAS). Approval applicants are able to upload engineering drawings (images) and files directly to the Center via a dial-in connection to a server. This has resulted in more rapid exchange of information as this capability is bi-directional. The minimum system requirements are Microsoft Windows 3.11, 95 or NT and a modem. Security has been established and tested so that each manufacturer can be assured of the absolute protection and privacy of the transmitted files.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

When applicants propose changes to their previously approved products or apply for approval of a similar product, documents required by MSHA in the prior approval need not be resubmitted. Only documents relating to the proposed changes and/or modifications need be submitted. MSHA is not aware of any other federal, state, or local agency that requires applicants to seek similar approval or otherwise duplicate the submissions required herein.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The provisions of the Mine Act and its accompanying mandatory health and safety standards apply to all mine operators because accidents, injuries, and illnesses can occur at any mine, regardless of size. The legislative history shows that Congress intended that the Mine Act be enforced at all mining operations regardless of size, and that information collection and record keeping requirements be consistent with efficient and effective enforcement of the Mine Act. S. Rep. 181, 95th Cong., 1st Sess. 28 (1977). Congress recognized that small operations could face problems in complying with some of the provisions of the Mine Act. Section 103(e) of the Mine Act, 30 U.S.C. § 813(e), directs the Secretary of Labor not to impose an unreasonable burden on any operator, and in particular, small businesses, in obtaining any information under the Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements. MSHA does not believe that providing separate and distinct standards for the approval of "permissible" equipment to be used in small mines would promote the Mine Act's objectives of reducing miners' exposure to fires and explosions in mines. This information collection does not have a significant economic impact on a substantial number of small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

By requiring certain manufacturers to obtain MSHA approval and certification of their products, mine operators may be assured that they are using materials that provide a safe and healthful work environment for employees and which do not expose the miners to fire, explosion, or other specific safety hazards. Mine operators are required to report equipment that is not properly certified by MSHA. Under Section 110(g) of the Mine Act, 30 U.S.C. § 820(g), anyone who knowingly distributes equipment that is represented as being in compliance with the Mine Act when in fact, it is not, is subject to criminal prosecution. If MSHA determines that a product is defective during a post-certification audit, MSHA can review testing and distribution records kept by the manufacturer to determine whether the product should be recalled or retrofitted.

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7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- ! Requiring respondents to report information to the agency more often than quarterly.
- ! Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.
- ! Requiring respondents to submit more than an original and two copies of any document.
- ! Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.
- ! In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.
- ! Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.
- ! That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- ! Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This collection of information is consistent with the guidelines in 5 C.F.R. § 1320.5. 30 C.F.R. Section 7.6(c) requires respondents to keep records of the initial sale of each unit having an approval marking for at least the expected shelf life of and service life of the product. For some products, the record retention period would exceed 3 years. This record retention period is necessary so that MSHA can promptly notify mine operators in the event that an approved product must be recalled or retrofitted.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

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Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA has decided not to provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Manufacturers' applications, drawings, and specifications are kept at MSHA's Approval and Certification Center (A&CC) in Triadelphia, West Virginia, in a restricted records storage area and computer system that is accessible only to supervisors and A&CC employees responsible for handling these records. This is a secured area in which proprietary information is safeguarded against violations of 18 U.S.C. § 1905 and 5 U.S.C. § 552(b)(4). The A&CC maintains a high level of security on entering the building which houses manufacturers' documents. All non-agency personnel entering the building are required to wear badges that are easily visible. These badges identify persons as visitors of the A&CC, which facilitates control within secure areas. Employees are issued DOL identification cards that are required to be shown to security guards upon request.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- ! Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- ! If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- ! Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

The following calculations for the existing requirements are based on the actual number of applications received during Fiscal Year 2002 and the hours per response which represents the estimated time required by the manufacturer to prepare and submit applications, which may include drawings and specifications, for approval of their products.

*In this information collection request, instances where MSHA did not receive any applications, an estimate of one application will be used.

Salary figures used are based on data obtained from the U.S. Coal Mine Salaries, Wages, and Benefits – 2001 Survey Results.

Subpart A

Under this Subpart, applicants are required to maintain records of testing procedures and results for the products they submit to MSHA for approval for 3 years. MSHA believes that the only burden on the applicant in keeping the records is the use of storage space. MSHA views this burden as minimal, and therefore, no cost burden has been assigned. In addition, applicants must maintain records of the initial sale of each unit having an approval marking. The record retention period must be at least the expected shelf life and service life of the product. Manufacturers already keep records of sales, and MSHA believes that manufacturers will use existing record systems to fulfill this requirement. Therefore, no cost burden has been assigned.

Under Subpart A, MSHA is authorized to conduct periodic post-approval audits of approved products. No more than once a year except for cause, the approval holder, at MSHA's request,

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must make an approved product available at no cost to MSHA for an audit to be conducted at a mutually agreeable site and time. The burden costs to approval holders for providing products for audit are detailed under the appropriate Subparts in Item 13.

Subpart B

In FY 2002, MSHA received 5 new applications and 4 applications for extension for brattice cloth and ventilation tubing under Subpart B. According to manufacturers' estimates, it requires approximately 5.0 hours to complete the application package and 5.0 hours to complete an application for extension package.

Burden Hours

5 applications x 5.0 hour/application	=	25.0 hours
4 applications for extension x 5.0 hours/application	=	20.0 hours

Burden Hour Cost

25.0 hours x \$54.92 per hour (average salary and benefits of an engineer)	=	\$1,373.00
20.0 hours x \$54.92 per hour	=	\$1,098.00

Approval holders are required to report to MSHA any knowledge of a product distributed with critical characteristics not in accordance with the approval specifications. MSHA estimates that 25 manufacturers of brattice cloth and ventilation tubing may need to make such a report once a year at most, and that each manufacturer would require approximately 15 minutes (0.25 hours) to make a report by telephone or letter.

Burden Hours

25 manufacturers x 1 report x 0.25 hours	=	6.00 hours
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Burden Hour Cost

6.00 hours x \$54.92 per hour	=	\$330
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Subpart B:	Total Burden Hours	=	51 hours
	Total Burden Hour Cost	=	\$2,801

Subpart C

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In FY 2002, MSHA received 1 new application, 0 applications for extensions, and 5 RAMPS for battery assemblies, under Subpart C. According to manufacturers' estimates, it requires approximately 4.0 hours to complete an application, 4.0 hours to complete an application for extension, and 2.0 hours to complete a RAMP.

An extension of an approval is any change in the approved product from the documentation on file at MSHA that affects the technical requirements under Subpart C. These technical requirements are such that any change in design most often requires a complete re-evaluation.

*Instances where MSHA did not receive any applications, an estimate of one application will be used.

Burden Hours

1 application x 4.0 hours/application	=	4.0 hours
*1 applications for extension x 4.0 hours/application	=	4.0 hours
5 RAMP applications x 2.0 hours/application	=	10.0 hours

Burden Hour Cost

4.0 hours x \$54.92 per hour	=	\$220
4.0 hours x \$54.92 per hour	=	\$220
10.0 hours x \$54.92 per hour	=	\$549

Approval holders are required to report to MSHA any knowledge of a product distributed with critical characteristics not in accordance with the approval specifications. MSHA estimates that 16 manufacturers of battery assemblies may need to make such a report on the average of 1 time per year, and that each manufacturer would require approximately 15 minutes (0.25 hours) to make a report by telephone or letter.

Burden Hours

16 manufacturers x 1.0 reports x 0.25 hour/report	=	4 hours
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Burden Hour Cost

4 hours x \$54.92 per hour	=	\$220
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Manufacturers of battery assemblies are required to include an approval checklist with each assembly sold. MSHA estimates that it will take approximately 2 hours to develop the checklist.

Burden Hours

16 manufacturers x 1 checklist x 2 hours	=	32 hours
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Burden Hour Cost

32 hours x \$54.92 per hour = \$1,757.00

MSHA estimates that it will take only a few seconds to insert a copy of the checklist for every battery sold and that about 1,000 batteries are sold annually. Therefore, the cost will be insignificant relative to the cost of developing the checklist.

Subpart C :	Total Burden Hours	=	54 hours
	Total Burden Hour Cost	=	\$2,966

Subpart D

Eight new applications for approval of multiple-shot blasting units and three applications for extensions of approval were received by MSHA between January 1978 and January 1988. MSHA has received no applications since 1988 and does not anticipate receiving any through the current fiscal year. However, if MSHA were to receive an application, it estimates that it would take an applicant approximately 4 hours to prepare a new application package and 2 hours to prepare an application for extension.

*Instances where MSHA did not receive any applications, an estimate of one application will be used.

Burden Hours

*1 new application x 4 hours	=	4 hours
*1 application for extension x 2 hours	=	2 hours

Burden Hour Cost

4 hours x \$54.92 per hour	=	\$220
2 hours x \$54.92 per hour	=	\$110

Approval holders are required to report to MSHA any knowledge of a product distributed with critical characteristics not in accordance with the approval specifications. MSHA estimates that each of the four blasting unit approval holders may need to make such a report once a year, and that each manufacturer would require approximately 15 minutes (0.25 hours) to make a report by telephone or letter.

Burden Hours

4 manufacturers x 1 report per year x 0.25 hours	=	1 hour
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Burden Hour Cost

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1 hour x \$54.92 per hour = \$55

Manufacturers of blasting units are required to include an approval checklist with each unit sold. MSHA estimates that it will take approximately 2 hours to develop the checklist.

Burden Hours

4 manufacturers x 1 checklist x 2 hours = 8 hours

Burden Hour Cost

8 hours x \$54.92 per hour = \$439.00

MSHA estimates that it will take only a few seconds to insert a copy of the checklist for a blasting unit, therefore, the cost will be insignificant relative to the cost of developing the checklist.

Subpart D :	Total Burden Hours	=	15 hours
	Total Burden Hour Cost	=	\$824

Subpart J

In FY 2002, MSHA received 11 new applications, 6 applications for extensions, and 22 RAMP applications for approval of motor assemblies, under Subpart J. According to manufacturers' estimates, it requires approximately 8.0 hours on the preparation of a new application package, 6 hours to prepare an application for extension, and 2 hours to prepare a RAMP application.

Burden Hours

11 new applications x 8.0 hours/application	=	88 hours
6 applications for extensions x 6.0 hours/application	=	36 hours
22 RAMP applications x 2.0 hours/application	=	<u>44 hours</u>
		168 hours

Burden Hour Cost

88 hours x \$54.92 per hour	=	\$4,833
36 hours x \$54.92 per hour	=	\$1,977
44 hours x \$54.92 per hour	=	<u>\$2,416</u>
		\$9,226

Approval holders are required to report to MSHA any knowledge of a product distributed with critical characteristics not in accordance with the approval specifications. MSHA estimates that manufacturers of motor assemblies would need to make 14 reports per year, and that each

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manufacturer would require approximately 15 minutes (0.25 hours) to make a report by telephone or letter.

Burden Hours

14 reports x 0.25 hours/report = 4 hours

Burden Hour Cost

4 hours x \$54.92 per hour = \$220

Subpart J :	Total Burden Hours	=	172 hours
	Total Burden Hour Cost	=	\$9,446

Subpart K

In FY 2002, MSHA received 14 new applications for cable approvals and 2 applications for cable extensions under Subpart K. MSHA estimates that a cable manufacturer would spend 5.0 hours preparing an initial application and 6.0 hours to prepare an application for extension.

Burden Hours

14 new applications x 5.0 hour/application	=	70.0 hours
6 applications for extension x 6.0 hours/application	=	<u>36.0 hours</u>
		106.0 hours

Burden Hour Cost

70.0 hours x \$54.92 per hour	=	\$3,844
36.0 hours x \$54.92 per hour	=	<u>\$1,977</u>
		\$5,821

In FY 2002, MSHA received one new application for splice kit approval and no applications for splice kit extensions. MSHA estimates that the average splice kit application for an original approval would take approximately 6.0 hours to prepare. For purposes of determining the information collection burden, MSHA assumes that it will receive one application for extension per year, and estimates that such an application would take approximately 7.0 hours to prepare.

*Instances where MSHA did not receive any applications, an estimate of one application will be used.

Burden Hours

1 new application x 6.0 hours	=	6.0 hours
*1 application for extension x 7.0 hours	=	<u>7.0 hours</u>

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13.0 hours

Burden Hour Cost

6.0 hours x \$54.92 per hour	=	\$330
7.0 hours x \$54.92 per hour	=	<u>\$384</u>
		\$714

Approval holders are required to report to MSHA any knowledge of a product distributed with critical characteristics not in accordance with the approval specifications. MSHA estimates that a combined total of 39 electric cable, signaling cable, and splice kit firms may need to make such a report once a year for a total of 39 reports. Each manufacturer would require approximately 15 minutes (0.25 hour) to make a report by telephone or letter.

Burden Hours

39 reports x 0.25 hour per report	=	10 hours
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Burden Hour Cost

10 hours x \$54.92 per hour	=	\$549
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Subpart K :	Total Burden Hours	=	129 hours
	Total Burden Hour Cost	=	\$7,084

TOTAL BURDEN HOURS:	=	421.00
TOTAL BURDEN COST:	=	\$23,121

Summary Table:

Part 7 Subpart	Responses of apps + Critical Characteristics Rpts (last Rpt)	Burden Hours (last Rpt)	Burden Hours Cost (last Rpt)	Responses of apps + Critical Characteristics Rpts (this Rpt)	Burden Hours (this Rpt)	Burden Hours Cost (this Rpt)
B	34	51.25	\$2,562.50	34	51	\$2,801
C	40	62	\$3,100	39	54	\$2,966
D	14	15	\$750	10	15	\$824
J	36	155.5	\$7,775	53	172	\$9,446
K	140	280.75	\$14,037.5	61	129	\$7,084
Total	264	564.5	\$28,225	197	421	\$23,121

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

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- ! The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- ! If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- ! Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

30 C.F.R., Part 5 – Fees for Testing, Evaluation, and Approval of Mining Products: 5.10 states “This part establishes a system under which MSHA charges a fee for services performed in connection with testing, evaluation and approval of products manufactured for use in underground mines.” These fees apply to all Part 07 Subparts mentioned in this report.

Under the 2002 fee schedule issued pursuant to 30 C.F.R. Part 5, MSHA charges \$57 per hour to evaluate applications for approval. The fee for testing, evaluation and approval of a product is based on the costs of the services provided. Each service provided for a group of similar products is assessed an hourly rate to cover direct and indirect costs. Direct costs are based on current compensation and benefit costs for technical and support personnel directly involved in providing the service. Indirect costs are based on a proportionate share of the cost of activities which support the approval service, including management and administration of the A&CC, facility operating costs and amortization and depreciation of facilities and equipment. MSHA also includes a support factor when determining costs to account for support personnel (computer tracking, clerical, records control, document filing and retrieval). Support hours are prorated over investigative hours for each specific program area to derive a multiplication factor for that program area (1.662, 1.641, or 1.806).

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Subpart B

In order to determine costs under this section, MSHA calculated the average number of hours spent processing brattice cloth and ventilation tubing investigations in FY 2002. The cost to applicants for MSHA's evaluation of their applications for approval is calculated as follows:

$$\begin{array}{rcl} 5 \text{ new applications} \times 8 \text{ hours} \times 1.806 \times \$57 \text{ per hour} & = & \$4,118 \\ 4 \text{ applications for extension} \times 2 \text{ hours} & & \\ \quad \times 1.806 \times \$57 \text{ per hour} & = & \$ 824 \end{array}$$

In FY 2002, MSHA surveyed 10 manufactures and conducted 59 brattice cloth and 4 ventilation tubing audits. The samples are destroyed during the testing process. The estimated cost to the approval holders for providing these products is as follows:

$$\begin{array}{rcl} 59 \text{ brattice cloth samples} \times \$25 \text{ per sample} & = & \$1,475 \\ 4 \text{ ventilation tubing samples} \times \$100 \text{ per sample} & = & \underline{\$ 400} \\ & & \$6,817 \end{array}$$

Subpart C

In order to determine costs under this section, MSHA calculated the average number of hours spent processing battery assembly investigations in FY 2002. For instances where MSHA did not receive any applications, an estimate of one application will be used and the hours will be taken from a similar program. The estimates will be documented with an asterisk (*). The cost to applicants for MSHA's evaluation of their applications for approval is calculated as follows:

$$\begin{array}{rcl} 1 \text{ new application} \times 4.5 \text{ hours} \times \$57 \text{ per hour} \times 1.662 & = & \$ 426 \\ *1 \text{ extensions} \times *2.3 \text{ hours} \times \$57 \text{ per hour} \times 1.662 & = & \$ 218 \\ 5 \text{ RAMP applications} \times 3.3 \times \$57 \text{ per hour} \times 1.662 & = & \underline{\$1,563} \\ & & \$2,207 \end{array}$$

MSHA has assigned no cost burden to the auditing of battery assemblies because the audits are performed at the manufacturing site or a distribution center with no cost to the applicant. It is not necessary to destroy a battery assembly in order to audit it.

Subpart D

MSHA has not received any applications for blasting units for several years and does not expect to receive any in the coming year. For instances where MSHA did not receive any applications, an estimate of one application will be used and the hours will be taken from a similar program. The estimates will be documented with an asterisk (*). The cost to applicants for MSHA's evaluation of their applications for approval is calculated as follows:

$$\begin{array}{rcl} *1 \text{ new application} \times *4.5 \text{ hours} \times \$57 \text{ per hour} \times 1.662 & = & \$426 \\ *1 \text{ application for extension} \times *2.3 \text{ hours} & & \\ \quad \times \$57 \text{ per hour} \times 1.662 & = & \underline{\$218} \end{array}$$

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\$644

MSHA has assigned no cost burden to the auditing of blasting units because the audits are performed at the manufacturing site or a distribution center. It is not necessary to destroy a blasting unit in order to audit it.

Subpart J

In order to determine costs under this section, MSHA calculated the average number of hours spent processing motor assembly investigations in FY 2002. The cost to applicants for MSHA's evaluations of their applications for approval is calculated as follows:

11 new applications x 21.0 hours x \$57 per hour x 1.662	=	\$21,884
6 applications for extension x 5.0 hours		
x \$57 per hour x 1.662	=	\$ 2,842
22 RAMP applications x 3.0 hours		
x \$57 per hour x 1.662	=	<u>\$ 6,252</u>
		\$30,978

MSHA has assigned no cost burden to the auditing of motor assemblies because the audits are performed at the manufacturing site or distribution center with no cost to the applicant. It is not necessary to destroy the motor assembly in order to audit it.

Subpart K

In order to determine costs under this section, MSHA calculated the average number of hours spent processing cable investigations in FY 2002. The cost to applicants for MSHA's evaluations of their applications for approval is calculated as follows:

14 new applications x 7 hours/application		
x \$57 per hour x 1.806	=	\$10,088
2 extensions for approval x 3 hours/application		
x \$57 per hour x 1.806	=	\$ 618

In order to determine costs under this section, MSHA calculated the average number of hours spent processing splice kit investigations in FY 2002. The cost to applicants for MSHA's evaluation of their applications for approval is calculated as follows:

1 new application x 6 hours/application		
x \$57 per hour x 1.806	=	\$ 618
1 extension for approval x 3 hours/application		
x \$57 per hour x 1.806	=	\$ 309

In FY 2002, MSHA conducted 41 cable or splice kit audits. The estimated cost to the approval holders for providing these products to MSHA is as follows:

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30 cable samples x \$150 per sample	=	\$ 4,500
2 splice kit sample x \$150 per sample	=	\$ 300
9 signaling cable samples x \$150 per sample	=	<u>\$ 1,350</u>
		\$17,783

TOTAL COST BURDEN = \$58,429

Summary Table

	# of apps	HRS (last Rpt.)	Supt. Factor (last Rpt.)	Rate (last Rpt.)	Total (last Rpt.)	# of apps	HRS (this Rpt.)	Supt. Factor (this Rpt.)	Rate (this Rpt.)	Total (this Rpt.)
B	8	3	1.991	\$ 59	\$ 2,819.26	5	8	1.806	\$ 57	\$ 4,117.68
	1	2	1.991	\$ 59	\$ 234.94	4	2	1.806	\$ 57	\$ 823.54
	36			\$ 25	\$ 900.00	59			\$ 25	\$ 1,475.00
	5			\$100	\$ 500.00	4			\$100	\$ 400.00
C	2	7	1.991	\$ 59	\$ 1,644.57	1	4.5	1.662	\$ 57	\$ 426.30
	3	6	1.991	\$ 59	\$ 2,114.44	1	2.3	1.662	\$ 57	\$ 217.89
	3	4.5	1.991	\$ 59	\$ 1,585.83	5	3.3	1.662	\$ 57	\$ 1,563.11
D	1	4	1.991	\$ 59	\$ 469.88	1	4.5	1.662	\$ 57	\$ 426.30
	1	2	1.991	\$ 59	\$ 234.94	1	2.3	1.662	\$ 57	\$ 217.89
J	14	9	1.991	\$ 59	\$14,801.09	11	21	1.662	\$ 57	\$21,883.55
	6	5	1.991	\$ 59	\$ 3,524.07	6	5	1.662	\$ 57	\$ 2,842.02
	2	4.5	1.991	\$ 59	\$ 1,057.22	22	3	1.662	\$ 57	\$ 6,252.44
K	19	3	1.991	\$ 59	\$ 6,695.75	14	7	1.806	\$ 57	\$10,088.32
	6	2	1.991	\$ 59	\$ 1,409.63	2	3	1.806	\$ 57	\$ 617.65
	1	3	1.991	\$ 59	\$ 352.41	1	6	1.806	\$ 57	\$ 617.65
	1	2	1.991	\$ 59	\$ 234.94	1	3	1.806	\$ 57	\$ 308.83
	25			\$150	\$ 3,750.00	30			\$150	\$ 4,500.00
	9			\$150	\$ 1,350.00	2			\$150	\$ 300.00
						9			\$150	\$ 1,350.00
					\$43,678.94					\$58,428.17

* Last report cost = \$42,243. \$1,436 costs were omitted erroneously.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The only costs to MSHA under 30 C.F.R. Part 7 are those related to post-approval audits. The costs to conduct these audits are as follows.

Subpart B

MSHA estimates that it would take a laboratory technician approximately 2.0 hours to test a sample of brattice cloth and 1.0 hours to test a sample of ventilation tubing.

59 brattice cloth samples x 2.0 hours per sample

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x \$30 per hour (average salary of laboratory technician)	=	\$3,540
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4 ventilation tubing samples x 1.0 hours per sample x \$30 per hour	=	\$ 120
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Subpart C

MSHA estimates that its cost to have a Mining Equipment Compliance Specialist travel to a manufacturing or distribution site and perform a post-approval audit on a battery assembly is \$100. This includes both salary and travel expenses.

11 battery assembly audit x \$100	=	\$ 1,100
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Subpart D

MSHA estimates that its cost to have a Mining Equipment Compliance Specialist travel to a manufacturing or distribution site and perform a post-approval audit on a blasting unit is \$100. This includes both salary and travel expenses. In FY 2002, none were performed.

Subpart J

MSHA estimates that its cost to have a Mining Equipment Compliance Specialist travel to a manufacturing or distribution site and perform a post-approval audit on a motor assembly is \$100. This includes both salary and travel expenses.

9 motor assembly audits x \$100 per audit	=	\$900
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Subpart K

MSHA estimates that it would take a laboratory technician approximately 2.0 hours to test a sample of cable and 6.0 hours to test a splice kit:

30 cable samples x 2.0 hours per sample x \$30 per hour (average salary of laboratory technician)	=	\$1,800
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2 splice kit samples x 6.0 hours per sample x \$30 per hour	=	\$ 360
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9 signaling cable samples x 2.0 hours per sample x \$30 per hour	=	\$ 540
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TOTAL COST TO FEDERAL GOVT' = \$7,460.00

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

Respondents: There has been an increase of 57 Respondents (244 to 301). There was an error on the last report – 71 critical characteristic reports were omitted from the total count. The number of Respondents and Responses should have equaled. The number of Respondents was calculated by adding the number of applications received (79), the number of checklists and critical characteristic reports submitted (118), and the number of manufacturers' whose products were audited (104). Therefore is difference would had been only 6. There were a few more applications for approval submitted to the Approval and Certification Center.

Responses: There has been a decrease of 6 Responses (307 to 301). See the reason listed above.

Hours: There has been a decrease of 144 Burden Hours (565 to 421). The slight decrease in the number of applications submitted (6) partly caused the reduction in hours; however, the impact is seen in the number of hours it takes to prepare/submit an application under Subpart K. The last report stated that because manufacturers' were experiencing turnover within the company that caused the application prep/submission time to remain high. With this report, the application prep/submission time has dropped from 8.6 hours to 5 hours for new applications and 11.5 hours to 6 hours for extensions.

Costs: There was an increase of \$16,185 in costs (from \$42,243 to \$58,428). This is a result of how the cost was previously calculated. In the previous version of 1219-0100, June 21, 2000, estimated evaluation hours were used. This report calculated an average number of hours based on the actual number of applications completed during the reporting period (2002).

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results from the information gathered from this collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA has no forms associated with this collection of information on which to display an expiration date.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

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There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked "Yes", the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

2. Describe the procedures for the collection of information including:

- . Statistical methodology for stratification and sample selection,
- . Estimation procedure,
- . Degree of accuracy needed for the purpose described in the justification,
- . Unusual problems requiring specialized sampling procedures, and
- . Any use of periodic (less frequent than annual) data collection cycles to reduce burden.

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other persons(s) who will actually collect and/or analyze the information for the agency.

The collection of this information does not employ statistical methods.